

Sub 27
33. (New) The apparatus of claim 32, wherein the network processor is further operative to:
maintain a counter of block sequence numbers for the gateway, wherein the default values of
the header fields and the trailer fields include, respectively, the block sequence numbers
to specify a first and last block in the output file.

34. (New) The method of claim 17, further comprising:
accessing a directory of call event records associated with the call billing data in the first data
structure; and
generating an output file representing the call billing data in the second data structure based
on the call event records, wherein the second data structure includes default values for
header fields and trailer fields.

35. (New) The method of claim 34, further comprising:
maintaining a counter of block sequence numbers for the first computer device, wherein the
default values of the header fields and the trailer fields include, respectively, the block
sequence numbers to specify a first and last block in the output file.

REMARKS

By this amendment, claims 1-4, and 6-35 are pending, in which claim 5 is canceled with prejudice or disclaimer, and claims 32 and 33 are newly presented. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 31, 2003 rejected claims 1-4 as obvious under 35 U.S.C. § 103 based on *Brouckman et al.* (US 6,134,307) in view of *Heindel et al.* (US 6,304,857) and in further view of *Walker et al.* (U.S. 5,949,875) and *Ganesan et al.* (U.S. 6,055,567), claims

5-7 and 27-31 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and the commonly-assigned *Witzman et al.* (US 5,737,399), claims 6-7 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Doherty et al.* (US 5,333,184), claims 8-10 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Kay et al.* (US 5,757,894), claims 11-16 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Herbert* (US 5,333,183), claims 17-23 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, *Liu et al.* (US 5,898,780) and *Wang* (US 5,991,746), and claims 24-26 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Jaiswal et al.* (US 6,002,754).

Independent claims 1, 10, 17, and 22 each recites “billing processing by a **co-carrier access billing system** for settlement with the Internet Service Provider.”

The Office Action now applies the newly cited references of *Walker et al.* and *Ganesan et al.* for a supposed disclosure of the above feature. Specifically, the Office Action (on pages 2 and 6) argues that *Walker et al.* discloses collecting/processing of the user’s Internet phone bill for the Internet service provider (ISP). In order to cure the further deficiencies of the combination of *Brouckman et al.*, *Heindel et al.*, and *Walker et al.*, the Office Action is required to rely on *Ganesan et al.* for disclosure of a co-carrier access billing system. Applicants respectfully disagree with this convenient interpretation as *Ganesan et al.* does not reasonably support the conclusion that the established-billing-aggregator 94 is a co-carrier.

From the start, *Ganesan et al.*, on col. 1, lines 13-23, defines the terms used in the aggregation model 10 (FIG. 1), which includes a customer 12, an aggregator 14, and a plurality of billers 16. The customer 12 can be, for example, an individual person, a family, or a business. The aggregator 14 can be a financial institution (FI) such as, for example, a bank. Alternatively,

the aggregator 14 can be a separate entity which acts of behalf of a sponsor 18, which can also be an FI such as a bank. Each biller 16 can be of any billing institution type such as, for example, a local telephone company, a local electric company, a retail outlet, or a national long distance telephone company.

As evident from the above passage, at best, the aggregator 14 is a financial institution, while the LEC is treated as a billing institution. It is with these definitions that the system of *Ganesan et al.* operates and attempts to meet the following objects (col. 2, lines 17-43), for example: providing a distributed data accessing technique that allows a customer to interact directly with individual billers, while retaining the benefits of interacting with a single aggregator; and providing a distributed data accessing technique that allows a customer to retain the benefits of interacting with a single aggregator while allowing the aggregator, billers, and sponsor to retain control of customer-related data and a communication channel with each customer.

The Office Action, however, elects to ignore the above definitions, instead contorts the notion of the billing aggregator 94 to be a competitive local exchange carrier (co-carrier) in its hindsight reconstruction of the claimed invention. It appears that the Office Action misunderstands the role and definition of a “co-carrier,” much less “a **co-carrier access billing system** for settlement with the Internet Service Provider,” as positively recited in claims 1, 10, 17, and 22.

Accordingly, Applicants respectfully request that independent claims 1, 10, 17, and 22 be indicated as allowable, in that the new lengthy combination of *Brouckman et al.*, *Heindel et al.*, *Walker et al.*, and *Ganesan et al.* falls short of the claimed invention.

As noted in Applicants’ previous response, the remaining references of *Witzman et al.*, *Doherty et al.*, *Herbert*, *Liu et al.*, *Wang*, and *Jaiswal et al.* also fail to disclose the missing

feature. Specifically, *Witzman et al.* describes centralized storage and verification elements (SAVE) that provide raw data filtered of extraneous data so as to be useful to downstream clients. In addition, *Doherty et al.* is directed to call message recording for telephone systems, *Kay et al.* to a virtual foreign exchange service, *Herbert* to an MDR data record collection and reporting system, *Liu et al.* to a method and system for authorizing remote Internet access, *Wang* to a billing system using a modified file transfer protocol, and *Jaiswal et al.* to billing formatter for telephone systems, but these all do not disclose the bill settlement with an ISP, much less a co-carrier access billing system.

Dependent claims 2-9, 11-16, 18-21, and 23-31 are allowable for at least the same reasons as their independent claims and are separately patentable on their own merits. Applicants have provided the example in the last response of Claims 4 and 12-13, which recite that “the network process is further operative to poll the gateway to collect the collected call billing data.” Applicants contended that both *Brouckman et al.* at col. 4, lines 38-40 (which merely states that billing records are created, not polled) and *Herbert et al.* at col. 28, lines 22-31 (which does not disclose any polling of any gateway) both cited in the Office Action fail to disclose this feature as precisely claimed. However, the latest Office Action does not address these arguments, but merely maintained the same explanation.

Turning now to newly added dependent claims 32-35, these claims are fully supported in the specification, for example, on page 10, line 14 – page 12, line 25. Claims 32 and 33 depend from allowable claim 1, and thus, should be indicated as allowed. Claims 34 and 35 are allowable, based in part, on their dependency from allowable claim 17. The allowable features of claims 32 and 34 include generating “an output file representing the call billing data in the second data structure based on the call event records, **wherein the second data structure includes default values for header fields and trailer fields.**” Claims 33 and 35 recite

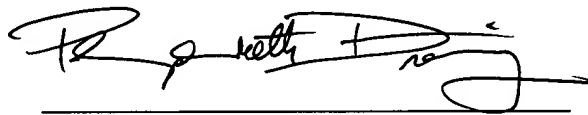
maintaining "a counter of block sequence numbers for the gateway, wherein the default values of the header fields and the trailer fields include, respectively, the block sequence numbers to specify a first and last block in the output file."

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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APPENDIX

5. (Canceled) [The apparatus of claim 1 wherein the first data structure format comprises raw ASG call event records (CERs).]

32. (New) The apparatus of claim 1, wherein the network processor is further operative to:
access a directory of call event records associated with the call billing data in the first data
structure within the gateway; and
generate an output file representing the call billing data in the second data structure based on
the call event records, wherein the second data structure includes default values for
header fields and trailer fields.

33. (New) The apparatus of claim 32, wherein the network processor is further operative to:
maintain a counter of block sequence numbers for the gateway, wherein the default values of
the header fields and the trailer fields include, respectively, the block sequence numbers
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on the call event records, wherein the second data structure includes default values for
header fields and trailer fields.

35. (New) The method of claim 34, further comprising:

maintaining a counter of block sequence numbers for the first computer device, wherein the
default values of the header fields and the trailer fields include, respectively, the block
sequence numbers to specify a first and last block in the output file.